Application No.: 09/963,551

REMARKS

Claims 2 and 8 are independent and stand rejected under 35 U.S.C. § 103 (a) as being

unpatentable over Anderson '137 ("Anderson") in view of Lindsay et al. '143 ("Lindsay"). This

rejection is respectfully traversed for the following reasons.

Claim 2 recites in pertinent part, "wherein image data corresponding to a series of images

which are captured consecutively by the imager includes an image which, once stored on the

image memory after being compressed and transferred to the display memory after being

expanded, is transferred from the image memory to the storage medium while the image is

presented by the display based on the image stored on the display memory." Claim 8 recites a

similar feature in method format. According to the present invention, as shown in exemplary

form in Figure 1 of Applicants' drawings, transferring *compressed* image data from an image

memory to a storage medium, and, the processing for expanding and displaying the data from the

image memory, can be performed simultaneously (*see* outgoing arrows from image memory 3 in

Figure 1 of Applicants' drawings).

The Examiner appears to rely on Anderson for allegedly disclosing this dependent

relationship between storage and display of the image data. However, it is respectfully submitted

that the portions of Anderson relied upon by the Examiner are *independent* processes.

Specifically, as shown in Figure 7, Anderson discloses a live view generation process and an

image file generation process which operate independently of one another so as to be completely

unrelated to the present invention. Lindsay does not obviate this deficiency of Anderson as

acknowledged by the Examiner (Examiner uses Lindsay for the transfer process rather than the

structural arrangement to/from which the image data is sent/retrieved). Indeed, Lindsay is

related merely to shearogram images.

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Turning back to Anderson, the Examiner appears to interpret the relied on portions thereof as disclosing a structural configuration which effects a dependency relationship in the processing of the image data in that the processing of data to the display and storage are performed simultaneously. However, it is respectfully submitted that Anderson discloses only a serial processing format in direct opposition to the present invention. That is, in Anderson, during the live view generation process, raw image data is converted to YCC format (i.e., color conversion, NOT compression or expansion; _see col. 8, line 63 – col. 9, line 1_). It is this YCC format which is displayed rather than compressed- then-expanded data. Indeed, compression is thereafter performed _on the YCC data_ (in buffers 536) which has already been processed and displayed in the live view generation process 612 (_see_ col. 9, lines 13-27). Accordingly, contrary to the Examiner's assertion, Anderson does not disclose or suggest an image which, _once stored on the image memory after being compressed and transferred to the display memory after being expanded,_ is transferred from the image memory to the storage medium while the image is presented by the display based on the image stored on the display memory.

The Examiner is directed to MPEP § 2143.03 under the section entitled "All Claim Limitations Must Be Taught or Suggested", which sets forth the applicable standard for establishing obviousness under § 103:

> To establish _prima facie_ obviousness of a claimed invention, all the claim
> limitations must be taught or suggested by the prior art. (citing _In re Royka_, 180
> USPQ 580 (CCPA 1974)).

In the instant case, the pending rejection does not "establish _prima facie_ obviousness of [the] claimed invention" as recited in claims 2 and 8 because the proposed combination fails the "all the claim limitations" standard required under § 103.

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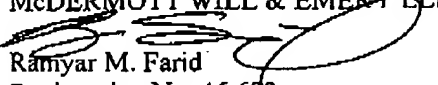Application No.: 09/963,551   **APR 24 2008**

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent

claim upon which it depends is allowable because all the limitations of the independent claim are

contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.,*

819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claims 2 and 8 are patentable for the

reasons set forth above, it is respectfully submitted that all claims dependent thereon are also

patentable. In addition, it is respectfully submitted that the dependent claims are patentable

based on their own merits by adding novel and non-obvious features to the combination.

Based on the foregoing, it is respectfully submitted that all pending claims are patentable

over the cited prior art. Accordingly, it is respectfully requested that the rejections under 35

U.S.C. § 103 be withdrawn.

CONCLUSION

Having fully responded to all matters raised in the Office Action, Applicants submit that all

claims are in condition for allowance, an indication for which is respectfully solicited. If there are any

outstanding issues that might be resolved by an interview or an Examiner's amendment, the Examiner is

requested to call Applicants' attorney at the telephone number shown below. To the extent necessary, a

petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in

fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account

500417 and please credit any excess fees to such deposit account.

Respectfully submitted,
McDERMOTT WILL & EMERY LLP

Ramyar M. Farid
Registration No. 46,692

600 13ᵗʰ Street, N.W.   **Please recognize our Customer No. 53080 as**
Washington, DC 20005-3096   **our correspondence address.**
Phone: 202.756.8000 RMF:MaM
Facsimile: 202.756.8087
Date: April 24, 2008

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